

REMARKS

Figure 3 has been added and the specification has been amended. Claim 14 has been amended. A new dependent claim 25 depending ultimately from claim 19 has been added. Claims 13 - 25 are currently pending in the present application.

In the Office Action, the specification and the drawings are objected to. Also, in the Office Action, claims 13-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Scian EP 0 855 166 in view of Finola et al US Patent No. 5,601,195 and Jacobus et al US Patent No. 5,249,590.

With respect to the objection that the drawings include a pre-tensed spring, Applicants note that a new Figure 2 of the drawings with an illustration of the pre-tensed spring was submitted with the Amendment received by the Office on April 28, 2008 and Applicants respectfully submit that this Figure 2 of the drawings does not include new matter. The "pre-tensed spring" illustrated in the submitted Figure 2 was described in the originally submitted specification of the present application and therefore does not constitute new matter. For example, the specification of the present application states: "Alternatively it is also possible to support this swinging procedure of the handle 1 in the direction of the opening door 5 with a pre-tensed spring element, for example through a suitable spring element, which is supported on the crockery basket 2." [Para. 0017].

With respect to the drawing objection that features recited in claim 19 of the present application must be shown, a new Figure of the drawings labeled Figure 3 has been submitted herewith showing such features and the

specification has been amended in coordination with this drawing.

Favorable reconsideration of the present application is respectfully requested in view of the following comments.

Independent claim 13 of the present application recites a crockery basket for a dishwashing machine including a front side and a handle secured to the front side for movement about a horizontal axis and configured to move outwardly in the opening direction of a door of the dishwashing machine in response to opening of the door.

Scian EP 0 855 166 discloses a pull out basket for a dishwashing machine wherein the pull out basket includes a handle (6) secured at fulcra (8) to a front wall (5) of the basket.

It is submitted that Scian EP 0 855 166 does not teach or disclose the crockery basket recited in independent claim 13 of the present invention. For example, in contrast to the present invention, Scian EP 0 855 166 does not teach or disclose that the handle (6) of its pull out basket for a dishwashing machine is, in the language of claim 13 of the present application, "configured to move outwardly in the opening direction of a door of the dishwashing machine", let alone "configured to move outwardly in the opening direction of a door of the dishwashing machine in response to opening of the door." Instead, Scian EP 0 855 166 specifically discloses that the handle (6) of its pull out basket for a dishwashing machine is configured to remain substantially flush with the front surface (5) of the pull out basket. See, for example, Column 3 lines 1 – 9 of Scian EP 0 855 166 wherein it is disclosed that the resting means 13, 14 are such as to in fact prevent the handle from rotating in any manner about its fulcra 8. Thus, it can clearly be seen that Scian EP 0 855 166 does not suggest the desirability of a movement of its handle (6) relative to the pull out basket and, in

fact, it can be seen that Scian EP 0 855 166 specifically teaches away from any such relative movement in that Scian EP 0 855 166 discloses that the resting means 13, 14 are such as to in fact prevent the handle from rotating in any manner about its fulcra 8.

With regard to the assertion in the Office Action that Col. 3, lines 5 – 10 of Scian EP 0 855 166 teaches that its handle (6) is capable of moving around the fulcrum, it is noted that, in fact, Scian EP 0 855 166 states in Col. 3, lines 5 – 10 thereof: “The resting means 13, 14 are such as to in fact prevent the handle from rotating in any manner about its fulcra 8, while the same handle is resting substantially flush with the front surface 5 of the basket.” Thus, Scian EP 0 855 166 explicitly teaches that its handle (6) does not move around the fulcrum, in contrast to the assertion set forth in the Office Action.

Moreover, in view of the fact that Scian EP 0 855 166 teaches away from any relative movement between its handle (6) and its pull out basket, it is clear that Scian EP 0 855 166 neither discloses nor provides any hint of the desirability of a handle for a pull out dishwashing machine basket that moves in response to an operation of another component of a dishwashing machine such as, for example, the opening of a door of a dishwashing machine as is recited in claim 13 of the present application. Thus, even if Scian EP 0 855 166 disclosed or taught a relative movement between its handle (6) and its pull out basket, which Scian EP 0 855 166 does not, Scian EP 0 855 166 still would fail to teach or suggest to one of skill in the art the desirability of a handle for a pull out dishwashing machine basket that moves in response to an operation of another component of a dishwashing machine, let alone the desirability of a handle for a pull out dishwashing machine basket that moves in response to the opening of a door of a dishwashing machine, as is recited in claim 13 of the present application.

In view of the absence of any hint or suggestion in Scian EP 0 855 166 of a movable handle for a pull out dishwashing machine basket, it must be acknowledged that one of skill in the art would find no motivation in Scian EP 0 855 166 to turn to Finola et al US Patent No. 5,601,195 or Jacobus et al US Patent No. 5,249,590. For example, while Finola et al US Patent No. 5,601,195 appears to disclose a movable comb-like divider 5 that is pivotable between an erect position and a lowered position, neither Finola et al US Patent No. 5,601,195 nor Scian EP 0 855 166, nor any other prior art, provide any hint or suggestion to one of skill in the art to provide a movable handle for a pull out dishwashing machine basket. In fact, in view of the explicit disclosure of Scian EP 0 855 166 that its resting means 13, 14 prevent the handle (6) from rotating in any manner about its fulcra 8, it can be seen that any hint or suggestion in Finola et al US Patent No. 5,601,195 to provide a movable handle for a pull out dishwashing machine basket – which it is submitted there is not - would be contrary to the teachings and disclosure of Scian EP 0 855 166.

It is also submitted that independent claim 19 and dependent claims 20 - 24 depending ultimately therefrom, all patentably define over the prior art of record. Independent claim 19 of the present application recites a crockery basket for a dishwashing machine, the dishwashing machine having a compartment in which the crockery basket is received and having a door movable between a door closed position in which the door closes off an access opening into the compartment and a door open position in which the door does not prevent access to the compartment via the access opening. The crockery basket recited in claim 19 of the present application includes a plurality of sides including a front side, the crockery basket being movably supportable in a compartment of a dishwasher such that the crockery basket can be moved along an extraction direction in an extraction movement that results in the front side of the crockery basket extending outwardly beyond an access opening of the

dishwasher. The inventive crockery basket also includes a handle, the handle having a hand engagement portion for engagement of the handle by hand, and an arrangement for automatically moving the handle in response to an opening of the door from a repose position into a ready engage position. The automatically moving arrangement of the inventive crockery basket, as recited in claim 19 of the present application, include an anchor portion on one of the sides of the crockery basket and a connection portion of the handle at a spacing from the hand engagement portion of the handle. The connection portion of the handle is movably secured to the anchor portion on the one respective side of the crockery basket such that the handle is movable relative to the anchor portion, and the handle automatically moves in response to an opening of the door of the dishwasher from the repose position to the ready engage position at which the hand engagement portion of the handle extends outwardly in the extraction direction from the front side of the crockery basket to a greater degree than the hand engagement portion of the handle extends outwardly in the repose position. As noted above, the prior art of record would not provide one of skill in the art with any hint or motivation to provide a handle for a pull out dishwashing machine basket that moves in response to an operation of another component of a dishwashing machine, whereupon it can be seen that none of the prior art of record would teach or suggest the inventive crockery basket recited in independent claim 19 of the present application including its automatically moving arrangement.

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CONCLUSION

In view of the above, entry of the present Amendment, and allowance of claims 13 - 25 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



Russell W. Warnock
Registration No. 32,860
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BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-672-7927
Fax: 714-845-2807
russ.warnock@bshg.com

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Amendments to the Drawings:

Please enter the enclosed new drawing Figure 3 in the record.